## FRENCH SPOLIATION. Veto Message of the President.

TO THE HOUSE OF REPRESENTATIVES

I have received and carefully considered the bill entitled "An act to provide for the ascertainment of claims of American edizens for "poliations committed by the French prior to the thirty-first of July, one thousand eight hundred and one," and, in the discharge of a duty mperatively enjoined on me by the constitution, I re-urn the same, with my objections, to the House of resentatives, in which it originated.

In the organization of the government of the United States, the legislative and executive functions were separated, and placed in distinct hands. Although the President is required, from time to time, to recommend to the consideration of Congress such measures as he shall judge necessary and expedient, his participation in the formal business of legislation is limited to the in the formal business of legislation is limited to the single duty, in a certain contingency, of demanding for a bill a particular form of vote, prescribed by the constitution, before it can become a law. He is not invested with power to defeat legislation by an absolute veto, but only to restrain it, and is charged with the duty, in case he disapproves a measure, of invoking a second, and a more deliberate and solemn consideration of it on the part of Congress. It is not incumbent on the President to sign a bill as a matter of couse, and thus merely to authenticate, he action of Congress, for he must exercise intelligent judgment, or be faithless to the trust reposed in him. It he approve a bill he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, for such further action as the constitution demands, which is its enactment, if at all, not by a bare numerical majority as in the first instance, but by a constitutional majority of two-thirds of both houses.

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While the constitution thus confers on the legislative bedies the complete power of legislation in all cases it proceeds, in the spirit of justice, to provide for the protection of the responsibility of the President. It does not compel him to affix the signature of approval to any hill unless it actually have his approvation, for, while it requires him to sign if he approve, it in my judgment, imposes upon him the duty of withholding his signature of he do not approve. In the execution of his efficial duty in this repect, he is not to perform a mere mechanical part, but is to decide and act according to conscientious convictions of the rightfulness or the wrong-fulness of the proposed law. In a matter as to which he majority of the two houses. Individual members of the majority of the two houses. Individual members of the majority of the two houses. Individual members of the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved are not of popular interest, upon the matters uncolved at the subject. For similar reasons, but even to a greater extent, from the number and variety of subjects daily urged upon his attention, the President as trained at the presentative to the people of a State of discounting the subjects and it may be selfy assumed that he will not responsibility is to the whole people of a State or disression and t

and he deliberately disregards his constitutional obliga-tions.

I cheerfully recognise the weight of enthority which attaches to the action of a majority of the two houses. But in this case, as in some others, the framers of our crastitution, for wise considerations of public good, pre-vided that nothing less than a two-thirds vote of one or both of the houses of Congress shall become effective to bind the co-ordinate departments of the government, the people, and the several States. If there be anything of seeming invidiousness in the official right thus con-ferred on the President, it is in appearance only, for the same right of approving or disapproving a bill, accord-ing to each one's own judgment, is conferred on every neember of the Senate, and of the House of Representa-tives.

ing to each one's own judgment, is conferred on overy seember of the Senate, and of the House of Representatives.

It is apparent, therefore, that the circumstances must be extraordinary which would induce the President to withhold approval from a bid involving no violation of the constitution. The amount of the claims proposed to be discharged by the bill before me, the nature of the transactions in which those claims are alleged to have eriginated, the length of time during which they have eriginated, the length of time during which they have eriginated, the length of time during which they have eriginated the length of time during which they have eriginated the length of time during which they have eriginated the attention of Congress and the country, present such an exigency. Their history renders it impossible that a President who has participated to any considerable degree in public affairs could have failed to form, respecting them, a decided opinion, upon what he would deem satisfactory grounds. Nevertheless, inclead of resting on former opinions, it has seemed to me proper to review and more carefully examing the whole subject, so as ratisfactorily to determine the nature and extent of my obligations in the premised.

I feel called upon, at the threshold, to notice an asseftion, often repeated, that the refusal of the United States to satisfy these claims, in the manner provided by the States of the Consideration that the claims are covain with the present century, and it has been a persistion is, that private property has been taken for public services and the present contury, and it has been a persistion is, that private property has been taken for public see without just compensation, in violation of express provisions of the consideration and that reparation has seem withheld, and justice denied, until the injured parties have for the most part descended to the grave. But it is not to be forgotten or oviclooked, that those whe represented the people, in different capacities, at the time when the al

e.

ever, the charge in question be well founded,
its admission would inscribe on our history a
ich we might desire most of all to obliterate,
ough, if true, it must painfully disturb our conin the justice and the high sense of moral aai

tion in our power, and consign the wrong, as far as may be, to forget olness.

But no such heavy sentedce of condemnation should be lightly passed upon the sagacous and patriotic men who participated in the transactons out of which these claims are supposed to have arisen, and who, from their ample means of knowledge of the general subject in its minute details, and from their official position, are peculiarly responsible for whatever there is of wrong or injustice in the decisions of the government.

Their justification consists in that which constitutes the objection to the present bill—namely, the absence of any indebtedness on the part of the United States. The charge of a denial of justice in this case, and a consequent stain upon our national character, has not yet been endorsed by the American people; But, if it were otherwise, this bill, so far from relieving the past, would only stamp on the present a more deep and in delible stigma. It admits the justice of the claims, concedes that payment has been wrongfully withheld for fifty years, and then proposes, not to pay them, but to compound with the public creditors by providing that whether the claims shall be presented or not, whether the Paum appropriated shall pay much or little of what shall be iound due, the law itself shall constitute a perpetual bar to all future demands. This is not, in my judgment, the way to stone for wrongs, if they exist, nor to meet subsisting obligations.

If new facts, not known or not accessible during the administration of Mr. Jefferson, Mr. Madison, or Mr. Monroe, had since been brought to light, or new sources of information discovered, this would greatly releive the subject of embarrassment. But nothing of this nature has occurred.

That those eminent statesmen half the best means of arriving at a correct conclusion, no one will deny. That they never recognised the alleged obligation on the part of the government. Such months, out as a fact of history, that these claims have never since our existence as a nation, been

eurred liability to the claimants, either by such acts as deprive them of their property, or by having actualty taken if for public use, without making just compensation for it.

The first branch of the proposition—that on which an equitable claim to be indemnified by the United States for losses sustained might rest—requires at least a cursory examination of the bistory of the transactions on which the claims depend. The first link, which in the chain of events arrests attention, is the treaties of alliance and of amity and commerce between the United States and France, negotiated in 1778. By those treaties, peculiar privileges were secured to the armod vessels of each of the contracting parties in the ports of the other; the freedom of trade was greatly enlarged; and mutual obligations were incurred by each to guarantee to the other their territorial possessions in America.

In 1792-3, when was broke out between France and Great Britain, the former claimed privileges in American ports which our government oid not admit as deducible from the treaties of 1778, and which it was held were in comflict with obligations to the other beligerent Powers. The fiberal principle of one of the treaties referred to—that free ships make free goods, and that substatene and supplies were not contraband of war, unless destined to a blockaded port—was found, in a commercial view to operate disadvantageously to France, as compared with her enemy, Great Britain, the latter asserting, under the law of nations, the right to capture, as contraband, supplies when bound for an enemy sport. Induced mainly, it is believed, by these considerations, the government of France decreed, on the 9th of May, 1793, the first year of the war, that "the French people are no longer permitted to 'fulfil towards the neutral Powers in general the vow they have so often maintened, and which they constantly make for the full and entire liberty of commerce and navigation;" and, as a counter measure to the course of Great Britain, authorized the seizure of

and remonstrated. For the property of our injured citizens we demanded that due compensation should be made, and, from 1703 to 1797, used every means, ordinary and extraordinary, to obtain redress by negotiation. In the last mentioned year these efforts were met by a refusal to receive a minister sent by our government with special instructions to represent the amicable disposition of the government and people of the United States, and their desire to remove leadousies, and to restore confidence by showing that the complaints against them were groundless. Palling in this, another attempt to adjust all differences between the two republics was made in the form of an extraordinary mission, composed of three distinguished citizens; but the refusal to receive was offensively repeated; and thus terminated this last effort to preserve peace and restore kind relations with our early friend and ally, to whom a debt of gratitude was due, which the American people have never been willing to depreciate or to forget. Years of negotiation and not only falled to secure indemnity for our citizens and exemption from further depredation, but these long-continued efforts had brought upon the government the suspension of diplomatic intercourse with France, and such indigities as to induce President Adams, in his message of May 16, 1797, to Congress, convened in special sension, to present it as the particular matter for their consideration, and to speak of it in terms of the highest indignation. Thenceforward the action of our government assumed a character which clearly indicates that hope was no longer entertained from the amicable feeting or justice of the government of France, and hence the subsequent measures were those of force.

On the 28th of May, 1788, an act was passed for the employment of the navy of the United States against "armed vessels for the purpose of committing depredations on the vessels belonging to the citizens thereof." On the 18th of June, the same year, an act to ram the merchant marine to oppose search

commissions to private armed vessels to engage in like service.

These acts, though abort of a declaration of war, which would put all the citizens of each country in hostility with those of the other, were nevertheless actual war, partial in its application, maritime in its character, but which required the expenditure of much of our public treasure, and much of the blood of our particulation of the rights and security of their fellow citizens, and to repel indignites offered to the national hone. It is not, then, because of any failure to use all available means, diplomatic and military, to obtain reparation. It is not, then, because of any failure to use all available means, diplomatic and military, to obtain reparation, by the United States; and if there is any of their such liability, it must flow frace the action, not form the neglect, of the United States. The first complaint on the part of France was against the proclamation of President Washington, of April 22, 1793. At that early period in the war which involved Austria, Prussia, Sardinia, the United Netherlands, and Great Britain on the one part, and France on the other, the great and wise man who was the Chief Executive, as he was and had been the guardian of our then militar republic, preclaimed that "the duty and interest of the United States require that they should, with sincerity and good faith, adopt and pursue a conduct friendly and impartial towards the belignered Powers." This attitude of neutrality, it was pretended, was in diregard of the obligations of alliance between the United States and France. And this, together with the often-renewed complaint that the stipulations of the treaties upon our government and its citizens which finally drove us to seek redress and safety by an appeal to force. The treaties of 1778, so long the subject of French complaints, are now understood to be the foundation upon which are laid these claims of indemnity from the United States for spoliations committed by the French provide and the treaties were rene

definite period, a "convenient time." All, then, of these subjects which was revived by the convenient to the parties, a oscussion which had already exhausted negotiation, involved the two countries in a maritime war, and on which the parties had approached no nearer to concurrence than they were when the controversy began. The obligations of the treaties of 1778, and the convention of 1785, were mutual, and estimated to be equal. But, however onerous they may have been to the United States, they had been abrogated, and were not revived by the convention of 1800, but expressly spoken of as suspended until an event which could only occur by the pleasure of the United States. It seems clear, then, that the United States reversible of no obligation to France by the retrenchment of the second article of convention; and if, thereby, France was relieved of any valid claims against her, the United States received no consideration in return, and that if private eroperty was taken by the Inited States from their own clitizens, it was not for public use. But it is here proper to inquire whether the United States did relieve France from valid claims against her on the part of citizens of the United States, and did thus deprive them of their property.

The complaints and counter-complaints of the two governments had been, that treaties were violated, and that both public and individual rights and interests had been ascrifted. The correspondence of our ministers engaged in negotiations, both before and after the convention of 1800, sufficiently proves how hopeless was the effort to obtain full indemnity from France for injuries inflicted on our commerce from 1793 to 1800, unless it should be by an account in which the rival pretensions of the two governments should each be acknowledged, and the balance struck between them.

It is supposable, and may be inferred from the contemnormal of 1800, unless the should each be acknowledged, and the balance struck between them.

He is supposable, and may be inferred from the contemnor

principal relations, and of the that our peace with them would not have been disturbed if they had centinued at war with each other, he proceed to say:

"But a cessation of irregularities which had afflicted the commerce of neutral nations, and of the irritations and injuries produced by them, cannot but add to this confidence, and strengthen at the same time the hope that wrongs comm tted on unoffending freinds, unter a pressure of circumstances, will now be reviewed with candor, and will be considered as founding just claims of retribution for the past and new assurances for the future."

The zeal and diligence with which the claims of our citizens against France were prosecuted, appear in the diplomatic correspondence of the three years next succeeding the convention of 1800, and the effect of these efforts is made manifest in the convention of 1803, in which provision was made for payment of a class of cases, the consideration of which France had at all previous periods refused to entertain, and which are of that very class which it has been often assumed were released by striking out the second article of the convention of 1800. This is shown by reference to the presmble, and to the fourth and fifth articles of the convention of 1803, by which were admitted among the debts due by France to citizens of the United States the amounts chargeable for "prizes made at sea in which the appeal has been properly lodged within the time mentioned in the said convention of the 30th of September, 1800," and this class was further defined to be only "captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States, otherwise than he might have had to the French republic, and only in case of the insufficiency of the captors."

If as was affirmed on all hands, the convention of 1803 was intended to close all quertions between the governments of France and the United States, and twenty million of france were set apart as a run which might exceed, but could not fall short, of the debts due by France to the citizens of the United States, how are we reconcile the claim now presented with the estimates made by those who were of the time and immediately connected with the events, and whose intelligence and integrity have in no samal degree contributed to the character and prosperity of the country in which we live? Is it rational to assume that the claimants, who now present themselves for indemnity by the United States, represent debts which would have been admitted and paid by France but for the intervention of the United States? And is it possible to escape from the effect of the volumnious evidence tending to establish the fact that France resisted all these claims—that it was only after long and skilful negotiation that the agents of the United States as were provided for in the conventions of the claims as were provided for in the conventions of 1800 and 1803. And is not this conclusive against any pretensions of possible success on the part of the claimants if left unaided to make their applications to France; that the only debts due to American citizens which have been paid by France are those which were assumed by the United States, as part of the consideration in the purchase of Louisians?

There is little which is creditable either to the judgment or patriotism of those of our fellow citizens who at this day arraign the justice, the fidelity or love of country of the men who founded the republic, in representing them as having bartered away the property of individuals to escape from public obligations, and then to have withheld from them just compensation. It has been gratifying to me in tracting the history of these claims, to find that numble evidence exists to refute an accusation which would impeach the purity, the justice, a

1800, these chains were value.

France.

Second—That they were released or extinguished by the United States in that treaty, and by the manner of its ratification.

Third, That they were so released or extinguished for a consideration valuable to the government, but in which the claimants had no more interest than any other citizens.

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The convention between the French republic and the United States of America, signed at Paris on the 30th day of September, 1800, purports in the preamble to be founded on the equal desire of the First Consul (Napoleon Bonaparte) and the Presidentof the United States to terminate the differences which have arisen between the two States. It declares, in the first place, that there shall be firm, inviolable and universal peace, and a true and sincere friendship, between the French republic and the United States. Next it proceeds, in the second, third, fourth and fifth articles, to make provision in sundry respects, having reference to past differences, and the transition from the state of war between the two countries to that of general and permanent peace. Finally, in the residue of the twenty seventh article, it stipulates anew the conditions of amity and intercourse—commercial and political—thereafter te exist, and, of course, to be substituted in place of the previous conditions of the transition which are thus tacitly but unequivosally reconvention. Which are thus tacitly but unequivosally reconsidered as no longer in force, but in effect abrogated, either by the state of war, or by the political action of the two republics.

Except in so far as the whole convention goes to estate the state of the state of very convention goes to estate the state of the state of very convention goes to estate the state of the state of very convention goes to estate the state of the state of very convention goes to estate the state of the two republics.

ties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:

Art. 5. "The debts contracted by one of the two nations with individuals of the other, or by the individuals of case with the individuals of the other, shall be paid, or the payment may be protecuted in the same manner as it there had been no misunderstanding between the two states. But this clause shall not extend to indemnities claimed on account of captures or confiscations."

On this convention being submitted to the Senate of the United States, they consented and advised to its ratification with the following provise:

"Provided that the second article be expunged, and that the following article be added or inserted: it is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of ratifications."

The spirit and purpose of this change are apparent and unmistabable. The convention, as signed by the respective plenipotentiaries, did not adjust all the points of controversy. Both nations, however, desired the restoration of peace. Accordingly, as to those matters, in the relations of the two countries concerning which they could agree, they all agree for the time being; and as to the rest, converning which they could not agree, they suspended and pos poned further negotiation.

They abendoned no pretensions, they relinquished no right to either side, but simply adjourned the question until a "convenient time." Mannwhile, and until the Arryal of such convenient time, the relations of the two countries were to be regulated by the stipulations of the convention.

Of course, the convention was on its face a temporary

Arrival of such convenient t me, the relations of the two countries wire to be regulated by the stipulations of the two convention.

Of course, the convention was on its face a temporary and provisional one, but in the worst possible form of prospective termination. It was to cease at a convenient time. But how should that convenient time be ascertained? It is plain that such a stipulation, while professedly not dispessing of the present controversy, had within itself the germ of a fresh one; for the two governments might at any moment fall into dispute on the question whether that convenient time had or had not arrived. The Senate of the United States anticipated and prevented this question by the only possible expedient—that is, the designation of a precise date. This being done, the remaining parts of the second article became superfluous and useless; for, as all the provisions of the convention would expire in eight years, it would necessarily follow that negotiations must be renewed within that period; more especially as the operation of the americanent which covered the whole convention was that even the stipulation of peace in the first article became temporary and expired in eight years, whereas that article, and that article alone, was permanent according to the orisinal tenor of the convention.

The convention thus amended being submitted to the First Consul, was ratified by him, accompanying his act of according to the orisinal tenor of the convention.

that article, and that article alone, was permanent according to the oris ind terror of the convention. The convention thus amended being submitted to the First Consul, was ratified by him, accompanying his act of acceptance by the following declaratory note:

"The government of the United States having added in its ratification that the convention should be in force for the space of eight years, and having, omitted the second article, the government of the French appublic consents to accept, ratify, and confirm the above servention, with the addition importing that the convention shall be in force for the space of eight years, and with the retreachment of the second article: Provided that by this retreachment of the second article: Provided that by this retreachment of the second article: Provided that by this retreachment of the second article is the First Consul, having been again submitted to the Senate of the United States, that body resolved that "they considered the convention as fully ratified," and returned the same to the Fresident for promulgation, and it was accordingly promolgated in the usual form by President Jefferson.

Now, it is clear, that in simply resolving that "they considered the convention as fully ratified," the Senate did in fact abstain from any express declaration of dissent or assent to the construction put by the First Consul on the retrenchment of the second article. If any inference, beyond this, can be drawn from their resolution, it is, that they regarded the proviso annexed by the First Consul to his declaration of acceptance as foreign to the subject, as nugatory, or as without consequence or effect. Notwithstanding this proviso, they considered the ratification as full. If the new proviso made any change in the previous import of the convention, then it was not full. And in considering it a full ratification resolution, it is, that they regarded the service of the interesting in the previous and any other republic had relinquished the existing rights or pretensions either a

provise of the First Consul did or not modify or impair the effect of the convention as it had been ratified by the Senate.

That such, and such only, was the true meaning and effect of the transaction, that it was not, and was not intended to be, a relinquishment by the United States of any existing claim on France, and especially that it was not an abandonmedt of any claims of individual citizens, nor the set off of these against any conceded national obligations to France, is shown by the fact that President Jefferson did at one resume and prosecute to successful conclusion negotations to obtain from France indemnification for the claims of citizens of the United States existing at the date of that convention: for on the 30th of April, 1805, three treaties were concluded at Paris between the United States of America and the French republic, one of which embraced the cession of Louisiana; another stipulated for the payment of sixty millions of trance by the United States to France; and a third provided, that for the satisfaction of sums due by France to citizens of the United States to France; and a third provided, that for the satisfaction of sums due by France to citizens of the United States at the conclusion of the convention of September 30, 1800, and in express compliance with the second and fifth articles thereof, a urther sum of twenty millions of france should be appropriated and paid by the United States. In the president of these treaties, which ceded Louisiana, it is set forth that—

"The President of the United States of America and

propriated and paid by the United States. In the preamble to the first of these treaties, which ceded Louisisna, it is set forth that—

"The President of the United States of America and
the First Consul of the French republic, in the name of
the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention
of the state very concluded at Madrid, the 27th of
October, 1795, between his Catholic Majesty and the said
United States, and willing to strengthen the union and
friendship which at the time of the said convention was
happily re-established between the two nations, have
respectively named their plenipotentiaries," who "have
agreed to the following articles."

Here is the most distinct and categorical ceclaration of
the two governments, that the matters of claim in the
second article of the convention of 1890 had not been
ceded away, relinguished, or set off, but they were still
rubeisting subjects of demand against France. The same
ceclaration appears in equally emphatic language in the

third of these treaties, bearing the same date—the presemble of which recites that—
"The President of the United States of America and the First Consul of the French republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiann, and established First Cosmi of the French republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisians, and established on a solid foundation the friendship which unites the two nations, and being desirous, in complis see with the second and fifth articles of the convention of the eighth Vandemaire, night year of the French republic, (30th Esptember, 1800.) to secure the payment of the sums due by France to the citizens of the United States." and "have appointed plenipotentiaries," who agreed to the following among other articles:

"Art. I The debts due by France to citizens of the United States, contracted before the 8th of Vandemaire, ninth year of the French republic, (30th September, 1800.) shall be paid according to the following regulations, with interest at six per cent, to commence from the periods when the accounts and vouchers were presented to the French government.

Art. II. "The debts provided for by the preceding article are those whose result is comprised in the conjectural note (a) annexed to the present convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note which fall within the exceptions of the following articles shall not be admitted to the benefit of this provision.

Art. IV. "It is expressly agreed that the preceding articles and commended no death to the best a article are death to the control of the states articles and commended no death to the death as a rickles shall commended no death to the death as a rickles shall commended no death to the death as a rickles shall commended no death to the death as a rickles and control of the control

said note which fall within the exceptions of the following articles shall not be admitted to the benefit of this provision.

Art. iV. "It is expressly agreed that the preceding articles shall comprehend no debts but such debts as are due to citizens of the United States, who have been and are set ciceditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lorged within the time mentioned in the said convention, eighth Vendemmire, ninth year, (30th Sepember, 1860.)

Art. V. "The preceding articles shall apply only—last, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States, otherwise than he might have had to the government of Franch republic, and only in case of manificiency of the captors; 2d, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendemare, an. 9, (30 September, 1800.) the payment of which has been heretofore claimed of the actual government of France, and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed. It is the express intention of the present convention to reclamations of American citizens who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason, on the nature af their commerce, ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandles, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made.

Art. XII. "In case of claims for debts contracted by the government of France with citizens of the United

claims in like manner as if this treaty had not been made.

Art. XII. "In case of claims for debts contracted by the government of France with citizens of the United States since the 8th Vendemaire, ninth year, (September 30, 1860,) not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made?"

Other articles of the treaty provide for the appointment of agents to liquidate the claims intended to be secured, and for the payment of them, as allowed, at the Treasury of the United States. The following is the conclusing clause of the tenth article—

"The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French government reserving to itself the right to decide definitely on such claim so far as it concerns itself."

"The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French government reserving to itself the right to decide definitely on such claim so far as it concerns itselt."

Now, from the provisions of the treaties thus collated, the following deductions undeniably follow, namely—First, Neither the second article of the convention of 1800, as it originally stood, nor the retrenchment of that article, nor the proviso in the ratification by the First Consul, nor the action of the Senate of the United States thereon, was regarded by either France or the United States and the contrary, in the treaties of 1803 the two governments took up the question precisely where it was leit on the day of the signature of that of 1800, without suggestion on the part of France, that the claims of our citizens were excluded by the retrenchment of the second article, or the note of the First Consul, and proceeded to make ample provision for such as France could be induced to admit were justly due, and they were accordingly discharged in full, with interest, by the United States in the stead and behalf of France. Third. The United States, not having admitted in the convention of 1800 that they were under any obligations to France by reason of the abrogation of the treaties of 1788 and 1788, persovered in this view of the question by the tenor of the treaties of 1803, and therefore had no such national obligation to discharge, and did not, either in purpose or in fact, at any time undertake to discharge 'hemselves from any such obligations, and for the intermity of the cession of Louisiana, of claims of citizens of the United States obtained from France the acknowledgment and payment, as part of the indemnity for the cession of Louisiana, of claims of citizens of the United States of the function of the convention of 1800, and the further consideration of which was reserved for a more convenient time by the second article of that convention: for these claims, and these only, pro

to impure undeserved reproach both to France and to the United States.

I am of course aware that the bill proposes only to provide indemnification for such valid claims of sitizens of the United States against France as shall not have been stipulated for and embraced in any of the treaties enumerated. But in excluding all such claims it excludes all in fact for which during the negotiations France could be persuaded to agree that she was in any wise liable to the United States or our citizens. What remains? And for what is five millions appropriated? In view of what has been said, there would seem to be no ground on which to raise a liability of the United States, unless it be the assumption that the United States are to be considered the insurers and the guarantor of all claims, of whatever nature, which any individual citizen may have against a foreign nation.

FRANKLIN PIERCE.

WASHINGTON, Feb. 17, 1885.

The Merchants' Meeting.

New York, Feb. 19, 1855. TO THE EDITOR OF THE HERALD. I enclose a memorandum of the precise words used by me at the meeting of merchants on Saturday, which I would not trouble you with, but I would wish your re-port corrected so far as to include the statement made by me, "that I was not present at the last interview be tween Mr. Fieb and Mr. Grinnell," but that the conver-sation which took place was repeated to me immediately after. MORTIMER LIVINGSTON.

after.

I am not going to make a speech, but rise simply to endorse the statements made by Mr. Grinnell. I remained with him in Washington until the last moment. I was not, however, present at his last interview with Mr. Fish, but he immediately after came to my room and repeated to me, almost in the same words as he has to you, the result of the interview. You will yourselves determine from the statements whether Mr. Fish changed his mind or deceived Mr. Grinnell as to the course he intended to pursue.

## The Brooklyn Soup House. TO THE EDITOR OF THE HERALD.

As this great and worthy charity, perfectly system tized, has been in operation nearly alx weeks, it will probably be worth the space in your valuable journal to give some account of it. The location is the best that could be found—a one story building at the junction of Fulton and Willoughby streets, 100 by 80 feet, with beaches that accommodate over two hundred that are very often waiting for the hour of 11 o'clock A. M. to arvery often waiting for the hour of 11 o'clock A. M. to arrive, that being the hour dealing out is commenced, and continues to 3 P. M., and very often later. One quart is allowed to an adult, and a pint to each child in the family. The room is heated by two large stoves, in addition to the heat from the kitchen, where there are four boilers that will make seventeen barrels of soup. Saturday, Feb. 17, the number of families that had been supplied was 1,346, averaging four and a half to a family, making a total of 5,720 adults and children; and nearly as follows of the following nations, viz.—Twelve-twentieth's Irish; three-twentieth's Germans: two-twentieth's colored; one twentieth Euglish; one-twentieth Americans, one-twentieth mixed.

BROOKLYNITE AND VISITER.

Unemployed Workmen. TO THE EDITOR OF THE HERALD.

In your paper of yesterday, I perceive my name, in conjunction with others, signed to an article headed "Unemployed Workingmen." I beg leave respectfully to state that although I cordially endorse most of the views state that although I cordially endorse most of the views set forth in said communication. I never signed or authorized any person to attach my name to said document, and cannot consent that any person or persons should make use of my name without my knowledge or authority. By giving this an insertion in your valuable paper, you will much oblige

Supreme Court—Special Term.

Before Hon Judge Clerke.

In the Matter of Opening Cliff Street.—The Court made an order appointing the following gentlemen commissioners of cetimate and assessments:—Horace Holten, Geo. H. Purser, and Joseph W. Bank.

MUNICIPAL AFFAIRS.

PROGRESS OF THE MUNICIPAL REVOLU-CORPUS TO BE SUED OUT-PROCLAMATION OF THE MAYOR-THE COMPLAINT BOOK, BTC.

MAYOR—THE COMPLAINT BOOK, ETC.
The Belgian Consul, Mr. Mall, called upon the Mayor
yesterday, and told him that he informed the Belgian
Minister at Washington, by letter, of his intention to
send the alleged paupers back to Antwerp at the expense
of the government which he represented, and that he
had received his reply thereto, declining to take any part
in returning them to their own country. In the meantime, preparations are being made to have a writ of
habeas cornus sued out, and to bring the whole matter by due process of law, it is the Mayor's determination to have them sent back at the expense of the city govern-

the arrest of the two young men whose furious driving, while in a sleigh on Broadway, near Seventy-first street, Sunday, the 11th inst., resulted in the death of a lad named John Betts :--

named John Betts:

\$600 REWARD—PERCLAMATION.
MAYON'S OFFICE, NEW YORK, Feb. 19, 1855.
Whereas, John Betts, a lad aged thirteen years, was run over by a horse and sleigh, in Broadway, near Seventy-first street, on Bunday, the 11th least; and whereas the said John Betts has since died in consequence of the injuries then received; and whereas the perhen who drove said sleigh is unknown to the authorities, I do, by authority vested in me, offer a reward of five hundred dollars for the apprehension and conviction of the person who committed said violence, to be paid on conviction of the offender, on the certificate of the Recorder or District Attorney that such conviction was had upon the testimony of the person or persons claiming said reward. But all claims not presented to the Mayor within twenty days after such conviction, will be diaregarded.

MAYOR'S COMPLAINT BOOK.

Mayor within twenty days after such conviction, will be disregarded.

MAYOR'S COMPLAINT BOOK.

That Cliff street, between Frankfort and Ferry, is very much annoyed by crowds of boys, of all ages, who collect together cursing and swearing, and playing all sorts of games, on Sundays, to the great annoyance of the residents of that neighborhood Captain Ditchett, of the Fourth district police, was notified.

That the driver of the ash cart neglects and refuses to remove the ashes from the east sids of avenue B, between Sixth and Seventh streets, when the same are placed upon the sidewalk. Referred to Commissioner of Streets and Lamps.

That the neighborhood of Eleventh, Twelfth and Thirteenth streets, near avenue A, is resorted to by loafers, who insult ladies and others when passing. Captain Hart, of the Seventeenth ward, was notified.

That Twenty-fifth street, between Fixth and Seventh avenues, is in a filthy condition, and that the sidewalk os the south side is almost impassable from the dirt and ashes there deposited; and the lots being unfenced, are a deposit for all kinds of manure. Referred to Commissioner of Streets and Lamps.

That old carts and wagons encumber the sidewalk in Tenth street, between Third avenue and Broadway, and have become a perfect nuisance. Captain Diles, of the Fifteenth ward, was notified.

That the sidewalks in the Second avenue, between Eighteenth and Ninsteenth streets, are not flagged, and are in a miserable condition, ashes being deposited thereon. Referred to Commissioner of Streets and Lamps.

That a large hole exists in the sidewalk 232 William

are in a miserable condition, sahes being deposited thereon. Referred to Commissioner of Streets and Lamps.

That a large hole exists in the sidewalk 232 William street. Referred to Street Commissioner.

That Nineteenth street, between Sixth and Seventh avenues, is on Sundays the resort of loafers, who disturb the neighborhood by their cursing and yelling, and that they also steal anything that comes in their way. Referred to Capt. Stavenson, of the Sixteenth ward.

That a large amount of cotton encumbers pier 18 East River, rendering it impossible for vessels to make fast and discharge their cargoes. Referred to Commissioner of Streets and Lamps.

That Nos. 7 and 9 West Thirty-second street are not fenced, and that loafers resort thereto and disturb the neighborhood. Referred to Capt. Speight, of the Twenty-first ward.

That a truit stand occupies the sidewalk corner of

neighborhood. Referred to Capt. Speight, of the Twenty first ward.

That a fruit stand occupies the sidewalk corner of Broadway and Canal street, in length from twelve to sixteen feet by two to three feet wide, and is kept there in direct violation of the law. Referred to Capt. Turnbull, of the Eighth ward.

That the street and sidewalk corner of Ninth avenue and Thirty fourth street are encumbered with carts and wagons. Referred to the Captain of the Twentieth district police.

That loafers congregate in Fourth street, between First and Secend avenues, on the Sabbath, fighting cocks and dogs, to the great annoyance of the neighborhood. Referred to the Captain of the Seventeenth ward police.

That the ashman will not remove the ashes from 169 West Twenty-second street, unless placed on the sidewalk, which is contrary to law. Referred to Committee on Streets and Lamps.

That the sidewalks in Attorney street, between Rivington and Delancey, are encumbered with old sleighs and carts, and other nuisances.

That the correr of Anthony street and Elm is the resort to the Sabbath and the think the total of the feet of the fe

The police captains reported sixty liquor stores open throughout the city, on Sunday, the following being 5; Eighth, 0: Ninth, 4; lenth, 6; Eleventh, 2; Twelfth, 0; Thirteenth, 1; Fourteenth, 0; Fitzeenth, 2; Sxteenth, 0; Sventeenth, 3; Sixteenth, 5; Nineteenth, 2; Sixteenth, 0; Sventeenth, 3; Twenty-first, 6; Twenty-second, 2. Total 60. A large number of the barber shops were closed, and it is expected in two or three weeks there will not be one open in the city on Sundays.

ARREST OF SUPPOSED BURGLARS.

In the HERALD of Sunday we published an account of
the attempted burglary on the boot and shoe store on
the corner of John street and Broadway, and of the arrest of one of the supposed burglars, named John Wilson.
They were detected in the act of breaking into the store
by Officer Kinner, of the Reserved Corps, who, while attempting to arrest one of them, was severely injured by a blow which he received in the face from a jimmy in the hands of one of the party. Yesterday morning John Meyer alias Ferdinand Hoffman, and Harry Bloomingdale alias Finniman, who were engaged in the bulglary with Wilson was averaged at 564 Tackits trees and in the second of the s wilson, were arrested at 564 Twelfth street, and in de-fault of bail in \$2,000 each, were committed to prison. Two ether charges of burglary have been preferred against them, the first by Mr. George Meyers, of 17 Duane street, and the second by Joseph Maur, of 178 Broadway—both of whom swear that their shee stores were broken into, and that the shoes on the prisoners were stolen from them.

AN APPEAL TO THE MAYOR FROM THE MILITARY FOR

AN APPMAL TO THE MAYOR FROM THE MILITARY FOR CLEAN STREETS.

TO THE HONORABLE FERNANDO WOOD, ESQ., MAYOR:—

DRAR SIR—The military of this city appeal to you to have the streets cleaned on the occasion of celebrating the 22d of February, the birthday of the illustrious Father of Our Country, as the majority of us are unused to the hardships of war, such as wading through bogs and marshes, over icy rocks, &c., &c. By attending to this matter, you will be doing a great favor to the community in general, as well as the military of New York city.

Feb. 19, 1855.

BOARD OF ALDERMEN. Frs. 19.—The President, Isaac O. Barker, Esq., in the chair. The minutes of the last meeting were read and

approved. MISCELLANEOUS PAPERS. A vast number of papers passed on by the Board of Councilmen were received and referred to the various

cmmittees. A remonstrance from Goodbue & Co., and several other persons, against the removal of the location of the new City Hall from the Park. Referred to Special

Committee.
INCREASE OF POLICEMEN IN THE VARIOUS WARDS. The report of the Committee on Police in favor of increasing the number of policemen in several wards, was received. The committee recommend the increase as follows:—To the First ward, five additional policemen;

Fourth ward, five; Eleventh ward, seven; Twelth ward, ten; Fourteenth ward, four; Syventeenth ward, two, in addition to the present respective force of those several

Fourth ward, are Eleventh ward, seven; I weith ward, ten Fourteenth ward, four; Syventeenth ward, two, in addition to the present respective force of those several wards.

Alderman Voorings movel to strike out from the report the increase to all the wards except the First, there being so much property exposed there on the winarves. The increase in the other wards would be unnecessary if the Aldermen would said the Mayor in his efforts to close the rum holes on Sundays.

Alderman Howarn complained that the police force in his ward was not sufficient. He would never insist on the stores in his ward being closed on Sundays. He solicited the votes of those men before the election, and he would not now break his word with them.

Several members spoke in favor of the increase.

Alderman BERIGES was opposed to the increase of policemen, as many of them were appointed for political purposes, and required watching themselves.

Alderman ELY said he had received from the Chief of Palice a rwturn of all the men detailed in the various wards, and he moved a postponement of the subject for four weeks, when, perhaps, there would be another appoint ag power.

Alderman HERRICK opposed the postponement, if it was for the purpose of taking the appointment out of the hands of the Mayor, who waf doing everything to the satisfaction of the community at large.

Alderman Voorans would vote for the postponement, but not for the reasons stated by the Alderman of the Seventeenth ward. (Ely) because he believed that Mayor Wood, having closed the rumshops on Sundays, had done more to check rowdyism than all the police of the city round do. Fernando Wood can now do more with half the pelicemen than could be done before with double the number.

Alderman Voorans would vote for the postponement, but not for the reasons stated by the Alderman of the Seventeenth ward. (Ely) because he believed that Mayor wood, having closed the rumshops on Sundays, had done more to check rowdyism than all the police of the city.

Alderman Voorans would vote for

they conducted themselves properly, were as much titled to the privileges of this country as any man lare; yet what do they get after all—the office of a policeman, or perhaps a sweeper of the street.

Alderman Buggs repudiated the idea that this we war upon the police force, because of man of its m bers being born abroad, but he understood that man them were appointed for political force, and that policemen in one ward had served their time in the 8

vote of eleven to ten.

MISSAGE PROM THE MAYOR WITH ORDINANCE RESPECTING
ACCIDISTS ON THE CITY RAHROADS.

The following letter, containing ordinance, was receded from his Honor the Mayor:

MAYOR'S OFFICE, NEW YORK. Feb. 19, 185
TO THE HONORABLE THE COMMON COUNCIL OF THE CON NEW YORK:

ed from his Honor the Mayor:

Mayor's Ovpice, New York, Peb. 19, 18
To The Honorarie the Comon Courcil, or the Con New York.—

Of New York.—

Gentleman of unfrequently causing death, have occurre consequence of the conductor as and first of the consequence of the conductor stands. If falling in the lemps to get on or off at the front platform while the in motion, the liability to be run over is so great that escape. In connection with these dangers to which peoples are constantly exposed, partly from their own lessness, and also from the want of proper preventives caution upon the part of the railroad companies their agents. I must also refer to another danger ing from the modern mode of continuing stag mailus gleighs, with sice platforms on either side, so a llow passengers to stand thereon, to the great liability loss of life and limb. Without desiring to once upon your Legislative prerogatives, which give you her to iritiate ordinances, have prepared and here with a conference of the proper services are in divery easily constructed, and will be attended with expense to the properiors of the railroad care or sie and will no doubt to readily adopted by them, on the par of the proposed ordinance. Very expectfully.

Ordinances, and directed to be entered at length on t minutes.

THE SUPPERING FOOR.

A resolution was offered by Alderman Kelly, calli upon the Board of Councilmen to give to the seves ward committees the sum of \$500 each, to enable the to continue their relief to the poor.

Alderman Howard raid that out of the \$10,000 appr priated for the relief of the poor, there was not a ce given to the Sixth ward. The consequence was, that another of gentlemen got together, and subscribed it be relief of the poor of that ward. He (Alderman He had got a number of tickets from the Commissioners to a lambouse, and he distributed them to the starvicer, but, on going for relief, they were refused. Nelly had told him that the persons he sent from the Sixth ward were not citizens. (Asughter.) Poor wenen could get no relief, because they were not five year in the cty. He (Alderman H.) supposed the Commissioners of Alms were Know Nothings. (Laughter.)

Alderman VOORINS said the gentleman of the Six abored under a mistake. There was more money epended for the relief of the Sixth ward than any other the city.

Alderman Storks spoke in favor of the resolution, a etailed some of the miseries which prevailed among to or of his (the Eleventh) ward.

The resolution was adopted by a vote of 11 to 8.

Adjourned to Thursday next, at 5 o'clock.

BOARD OF COUNCILMEN

FEE. 19.—The Board met at 5 P. M., pursuant to a Journment—D. D. Connover, Esq., President, in the chair. The minutes of the last meeting were read as

Of divers citizens, for improvements in Forty-nint street, between Third and Sixth avenues. Of Dr. A. B. Chadwick, for professional services und the direction of the Twentienth ward police. Of the officers and members of the 6th company, 7

THE AMENDED CHARTEE.

Councilman MATHER moved to take up the following preamble and resolutions, laid over at a previous mee

Regiment of National Guard, for rooms for armories.

THE AMENDER CHARTER.

Councilman MATHER moved to take up the followir preamble and resolutions, laid over at a previous meering:—

Whereas, a paper has been prepared and signed by twent gentlemen who at prevent hold the office of aldermen in the city; and whereas, such signers have appended their official character to their respective names, as appears by said in the city; and whereas, such signers have appended their official character to their respective names, as appears by said in the city; and whereas, no such memorial has evidence in the common touncil, or (so far as this Board of New York," and whereas, no such memorial has evidence he fore the Common Council, or (so far as this Board informed and believes, the Board of Aldermen—therefore, Resolved, That said memorial is an indignity to this boar a false pretence—and entitled to no weight, influence consideration as or for what it purports to be.

Resolved, That this board will, at an early day, expretheir view, in a formal manner, upon the unified matter the charter, and in contemity with what they believe to the seatuments of the people whem they represent.

Councilman MATHER justified the position taken it these resolutions, and moved their adoption, as expressing the sense of the Board on the subject to which the retered.

The resolutions were adopted on a division, by 43 to RESOLUTIONS.

To grade and flag sidewalks of lots 437 and 439 Fourt avenue. Referred.

The testing committee to inquire at what price the right to use the "steam generator" can be purchased; also report upon the practicability of applying steam to fisengines as a means of fire defence. Adopted.

That it be referred to the Committee on Streets to report their opinion of the method of paving known a the "Nicholson pavement," which has been tested wit auccess in the city of Boston. Adopted.

That the Compitcher be requested to inform this Boar why be has not purchased, as directed by the late Common Council, a lot of ground suitab

BOARD OF SUPERVISORS.

Frm. 19.—His Honor the Mayor presiding. The m nutes of the last meeting were read and approved. Several petitions for the remission of taxes were re-ceived and referred, and the Board then adjourned to Thursday next, (Washington's birthday.) Supreme Court.

Saturday Motions.—A new calendar of Saturday motions will be made up for Saturday next, Feb. 24. Special Term Calendar.—Wednesday, Feb. 25, is the last day for filing notes of issue for the March Special Term calendar.

Notes of issue must state the dates (of issue), attorney's names and tiller, and will be placed upon the calendar according to the priority of issue. All demurrant must be distinctly stated as such, and will take precedure.